

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Eric C. Anderson et al.

Examiner: Yogesh K. Aggarwal

Serial No. 09/213,131

Art Unit: 2622

Filed: 12/15/1998

Attorney Docket No. 1104-069/P126C

For: **METHOD AND APPARATUS FOR CORRECTING ASPECT RATIO IN A
CAMERA GRAPHICAL USER INTERFACE**

Patent Owner's Petition Under 37 CFR 1.182

to Expedite Deciding a Recently Filed Petition to Replace IDS

Mail Stop: Office of Legal Administration
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Honorable Commissioner:

This is a Petition to Expedite under 37 CFR 1.182, requesting that the Commissioner expedite consideration of a Petition to Replace an IDS in the above listed reexamination. The Petition to Replace was filed on August 31, 2012, and was directed towards an "original" IDS filed on July 18, 2011.

I. BACKGROUND

Specifically, the Petition to Replace an IDS requests replacement of Patent Owner's original Information Disclosure Statement (IDS) in the above-identified reexamination, application, or patent. **The original IDS erroneously included documents that are subject to a protective order in International Trade Commission (ITC) Investigation No. 337-TA-726 ("726 Investigation").** Specifically, the original IDS inadvertently included documents that were designated by the parties who produced the documents as confidential business information and subject to the Protective Order in the 726 Investigation.

The documents that are subject to the 726 Investigation's Protective Order should not be available to the public. With the help of the Office of Patent Legal Administration, the documents listed in the IDSs that were designated as confidential by the producing parties¹ have temporarily been hidden from public view until such time that the PTO has an opportunity to render decisions on the petitions to be filed. Thus, an expedited decision is important so that the protected information remains protected. Expedited consideration and grant of the Petition to Replace the earlier filed IDS will make this temporary measure permanent. A copy of the 726 Protective Order is attached to the Petition to Replace an IDS.

This Petition to Expedite is important in order to prohibit the protected information from being accessed through a request for this information from the Patent Office. Moreover, this Petition to Expedite and the associated Petition to Replace an IDS represent Patent Owner's best efforts to mitigate any public disclosure of the protected information via the Patent Office. Patent Owner learned on August 9, 2012 of this inadvertent submission of protected information to the Patent Office.

Thus, it is in the interests of all parties (the PTO, the Patent Owner, the Respondent in the ITC litigation, and other third parties) that the Commissioner expedite consideration of the Petition to Replace an IDS. The cooperation of the PTO in terminating potential access to this protected information is greatly appreciated.

¹ At least one of the protected documents has been designated as confidential by and belongs to the Patent Owner.

II. LIST OF MATTERS

Below is a listing of reexaminations, applications, and patents in which a Petition to Replace an IDS has been filed. Each of these Petitions to Replace an IDS is or will be accompanied with a Petition to Expedite similar to this one. Thus, the Office may wish to process these Petitions to Expedite (and associated Petitions to Replace an IDS) at the same time.

- A. 95/001,431 6,134,606 IDS filed 7/18/2011 '606 reexam (RI1321367-606.A03; W&T 1104-267RE)– PENDING
- B. 95/001,420 6,163,816 IDS filed 7/18/2011 '816 reexam (RI1321366-816; W&T 1104-272RE) – PENDING
- C. 95/001,433 6,262,769 IDS filed 7/19/2011 '769 reexam (RI1321365-769.A01; W&T 1104-284RE) – PENDING
- D. 90/010,834 6,223,190 IDS filed 7/25/2011 '190 second reexam (R132594-834; W&T 1104-282RE2) –CERTIFICATE ISSUED
- E. 90/012,200 6,223,190 IDS filed 4/13/2012 '190 third reexam (R132594-200; W&T 1104-282RE3) –REQUEST FOR REEXAM DENIED
- F. 90/012,090 6,278,447 IDS filed 4/2/2012 '447 third reexam (R132596-C; W&T 1104-286RE3) –CERTIFICATE ISSUED
- G. 11/963,018 8,127,232 IDS filed 9/9/2011 (W&T 1104-040A) – PATENT ISSUED
- H. 09/213,131 8,102,457 IDS filed 7/29/2011 (W&T 1104-069) –PATENT ISSUED
- I. 11/466,629 IDS filed 9/15/2011 (W&T 1104-112) –PENDING
- J. 11/512,575 IDS filed 8/10/2011 (W&T 1104-209) – PENDING, ALLOWED

III. CONCLUSION

The fee under 37 CFR 1.17(f) of \$400.00 accompanies this petition. Should any other fee or fees be necessary for consideration of the papers filed herein, please charge any such fee or fees and refund any excess payments to Deposit Account No. 50-1732, referencing the above mentioned attorney docket number.

Should the Commissioner (or any delegated person) have any questions or comments regarding this matter, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted,

/Ed Garcia-Otero/

Ed Garcia-Otero
Reg. No. 56,609

September 6, 2012
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